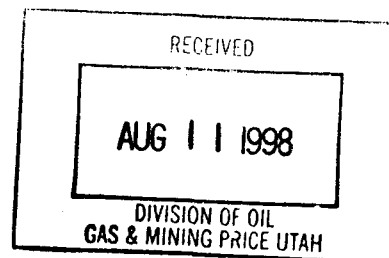


**ANDALEX**  
**RESOURCES, INC.**  
Tower Division

P.O. BOX 902  
PRICE, UTAH 84501  
PHONE (801) 637-5385  
TELECOPIER (801) 637-8860

August 11, 1998

Mr. Steve Demczak  
Utah Coal Program  
Division of Oil, Gas and Mining  
Price Field Office, College of Eastern Utah  
457 East 400 North  
Price, Utah 84501



Dear Steve:

With respect to NOV N98-39-3-1, GENWAL wishes to request an extension of the abatement date to August 28, if possible, in order to perform the surveying and mapping work necessary to abate this violation. Please let me know if there is any problem in obtaining an extension. I appreciate your consideration of this matter.

Sincerely,

Jean Semborski  
Environmental Coordinator

*DET/015/032  
#5*



UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

## MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Genwal Resources, Inc.

Mailing Address Crandall Canyon Mine, PO Box 1420, Huntington, Utah 84528

State Permit No. ACT/015/032

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 98-39-3-1 dated July 8, 1998, 19 \_\_\_\_.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_.

Part 1 of 1 is modified as follows: the abatement to be extended to August 28, 1998

Reason for modification is to perform surveying and mapping of the area.

Part \_\_\_\_ of \_\_\_\_ is modified as follows: \_\_\_\_\_

Reason for modification is \_\_\_\_\_

Part \_\_\_\_ of \_\_\_\_ is modified as follows: \_\_\_\_\_

Date of ~~service~~/mailing 8/12/98 sgd

Time of ~~service~~/mailing 3:00 ☐ a.m. ☒ p.m.

Date of inspection July 7, 1998

Gary Gray

Permittee/Operator representative

Environemtnal Engineer

Title

**MAILED FROM DOGM PRICE OFFICE**

Signature

Stephen J. Demczak

Division of Oil, Gas & Mining

Reclamation Specialist

Title

Signature

WHITE - DOGM YELLOW - OSM PINK - PERMITTEE/OPERATOR GOLDENROD - NOV FILE

DOGM/MVC-1

an equal opportunity employer

Rev. 12/86 001059

COMPANY/MINE Crandall Canyon Mine  
PERMIT # ACT\015\032

NOV/CO # 98-39-3-1  
VIOLATION # 1 OF 1

**EVENT VIOLATIONS INSPECTOR'S STATEMENT**

**A. SERIOUSNESS**

1. What harmful event was this regulation designed to prevent? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Check and explain each event.

- ☐ a. Activity outside the approved permit area.  
☐ b. Injury to the public (public safety).  
☐ c. Damage to property.  
☒ d. Conducting activities without appropriate approvals.  
☐ e. Environmental harm.  
☐ f. Water pollution.  
☐ g. Loss of reclamation/revegetation potential.  
☐ h. Reduced establishment of a permanent, diverse and effective vegetative cover.  
☒ i. Other.

\*\*\*The permittee conducted mining activities not described in the MRP, which created a cut slope in the material storage area not shown on map and they added riprap into diversion not shown on the map or the designs. *the permittee added riprap into diversion not shown on the map or the designs. The cut slope was approximately 20 ft high.*

2. Has the event occurred? Yes XXX No —  
If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen?

\*\*\*The permittee conducted mining activities not described in the MRP, which created a cut slope in the material storage area not shown on map and they added riprap into diversion not shown on the map or the designs. *the permittee added riprap into diversion not shown on the map or the designs. The cut slope was approximately 20 ft high.*

3. Would and/or does damage extend off the disturbed and/or permit area?

**DISTURBED AREA**

Would: Yes — No XXX  
Does: Yes — No XXX

**PERMIT AREA**

Would: Yes — No XXX  
Does: Yes — No XXX

4. Describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not damage would extend off the disturbed and/or permit area.

Potential damage off the disturbed area. Yes — No XXX  
Potential damage off the permit area. Yes — No XXX

B. DEGREE OF FAULT (Only one question applies to each violation; check one and discuss.

( ) No Negligence

If you think this violation was not the fault of the operator (due to vandalism or an act of God), explain. Remember the permittee is considered responsible for actions of all persons working on the mine site.

(XX) Ordinary Negligence

If you think this violation was the result of not knowing about DOGM regulations, indifference to DOGM regulations or the lack of diligence or reasonable care. Explain.

\*\*\*The permittee and the contractor most likely were not thinking that the designs needed to be in this degree of detail. *the AS pertaining to highway - There was a oversight of design rip up in the driveway ditch, of last month design during construction.*

( ) Recklessness

*This was caused by*

If the actual or potential environmental harm or harm to the public should have been evident to an operator, describe the situation and what if anything, the operator did to correct it prior to being cited.

( ) Knowing and Willful Conduct

Was the operator in violation of a specific permit condition? Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation? Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

C. GOOD FAITH

- (Not Permitted)
1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

\*\*\*The permittee needs to have some additional surveying and drafting done to show correct on the ground features as to cut slope and drainage. The permittee needs designs and map, be shown on MAP 5 MAP.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

The permittee is using a TO the violation

\*\*\*There is a possibility that consultants may need to be used in the abatement process.

3. Was the submission of plans prior to physical activity required by this NOV?  
Yes XXX No

August 10, 1998  
DATE

Stephen W. Dwyer  
AUTHORIZED REPRESENTATIVE